

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-1101**

July 20, 2010

Cpt. John McClain  
Director, House Liaison Office  
Department of the Navy  
B-324 Rayburn House Office Building  
U.S. House of Representatives  
Washington, DC 20515

Dear Cpt. McClain,

My office was contacted regarding the use of contaminated top soil at a residential housing project directed but not constructed by the Department of the Navy at the Kaneohe Marine Core Base. Dr. Walter Chun contacted my office informing me that the Pa Honua housing was constructed on soil contaminated with chlordane, heptachlor, and heptachlor-epoxide. According to Dr. Chun, the Navy directed the contractor to spread the contaminated soil. These contaminants are said to be cancer causing and detrimental to both land and ocean life.

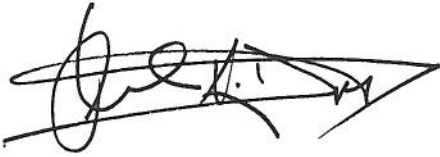
In the enclosed correspondence, you will find an illustration that represents the conditions of the soil was at the end of project completion as to what Dr. Chun recommended should've been done to assure health and safety issues for the Pa Honua residents. In addition, Dr. Chun includes a timeline (Appendix A) of the housing project.

It is my understanding that this issue has been brought to the attention of the Department of the Navy in 2006 and that the Department of the Navy has issued responses following completion in 2007. Therefore, I respectfully request copies of the Navy's responses on the matter. In addition, if the Department of the Navy has plans of conducting a clean-up, a proposal timeline. Feel free to contact Dane Wicker from my District Office by phone (808-541-2570), fax (808-

Cpt. John McClain  
Director, House Liaison Office  
Department of the Navy  
July 20, 2010  
Page 2

533-0133) or email ([dane.wicker@mail.house.gov](mailto:dane.wicker@mail.house.gov)) if you have any questions or need more information regarding this issue. Otherwise, thank you for your attention to this matter and in advance for your prompt assistance.

Aloha,

A handwritten signature in black ink, appearing to read "Charles K. Djou", written over a horizontal line.

Congressman Charles K. Djou  
Member of Congress  
First District, Hawaii

Enclosures (6)

CKD:dkw

RECEIVED JUL 13 2010

Walter Chun, PhD, CSP, CHST, CHSP  
1045 Lolena Place  
Honolulu, HI 96817  
[oshman2@hawaii.rr.com](mailto:oshman2@hawaii.rr.com)

July 10, 2010

Congressman Charles Djou  
300 Ala Moana Blvd, Room 4-104  
Honolulu, Hawaii 96850

RE: Contaminated Residential Sites at Kaneohe Marine Base

Dear Congressman Djou,

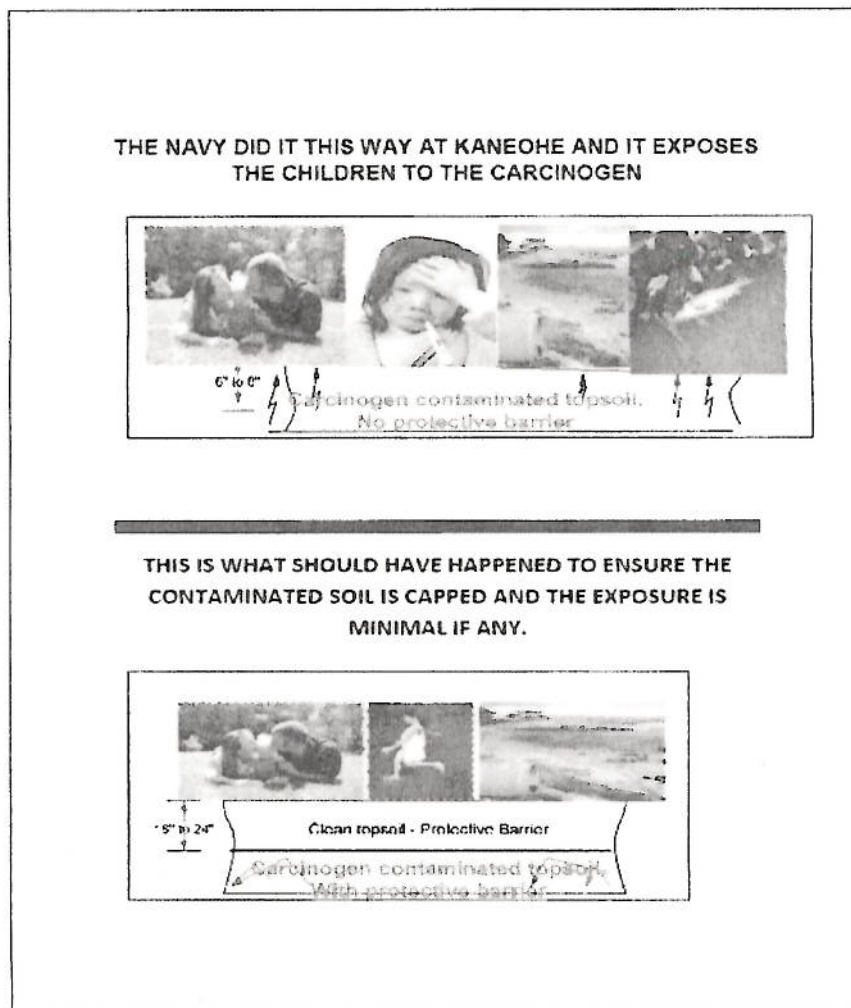
In early 2006 I raised an issue regarding a residential housing project on the Kaneohe Marine Base. The Navy directed the contractor to intentionally spread soil contaminated with chlordane, heptachlor, and heptachlor-epoxide. These old pesticides are carcinogens. I have been communicating with the Hawaii Congressional delegation since 2006 and have received copies of responses issued by the Navy. Each time the Navy contends that the pesticide was legally applied (over 40 yrs ago), that the State of Hawaii did not have jurisdiction and that it is safe to spread the contaminated soil throughout the housing project. The Navy has not taken any actions to remediate the situation or to inform the current residents of the exposure to the carcinogens. The contaminants are cancer causing and are listed as Group 2B carcinogens. Our concerns continue to be the exposures to the young marine families, infants, and children and our environment. Appendix A is a summary of the facts. Our previous and present concerns are:

- The notification of the young marine families of the presence of the carcinogens and the necessary precautions to prevent exposure to themselves, their infants and children;
- The release of pollutants and carcinogens to the environment; and
- The assurance that the intentional increased risk to the community, including the infants and children, be prohibited in future projects in Hawaii and Guam.

Recently the news covered a story regarding the Honolulu wastewater treatment plant upgrades as cited by the EPA. One of the main EPA concern regarding the upgrading of the wastewater treatment plant was the discharge of chlordane into our environment. At the Kaneohe site the Navy constructed a



project that will cause a direct discharge to the environment, i.e., federally protected waters around Kaneohe. The following illustration represents the conditions at the 212 unit - Pa Honua Housing at Kaneohe Marine Base.



The mishandling of chlordane, heptachlor and heptachlor-epoxide at the Kaneohe Marine Base continues without regard to the exposure of the carcinogen to the military families, infants and children. The current construction project on the marine base contains a number of contaminated stockpiles of contaminated soils in the open. The exposed soil is free to be discharged to the storm drains and the contaminated dust collecting in the homes. The exposure to the military families, infants and children will occur without their knowledge or their ability to take precautions. The mishandling or mismanagement of the contaminated soils continues to impact the military families, infants and children now and in future generations.

## APPENDIX A

## SUMMARY

A summary of the factual history of the events that occurred during the construction of a 212 residential housing project at KMB are:

- *SPREAD CONTAMINATED SOIL ON THE RESIDENTIAL HOUSING PROJECT:* The 212 residential housing project with topsoil contaminated with chlordane, heptachlor and heptachlor epoxide was completed in March 2007. The concern to the intent of the Marine Base Commander to intentionally contaminate the residential housing site was first discussed publicly in May 2006, see the Star Bulletin and other articles shown in Exhibit 1. The Commanding Officer of the Marine Base had approved the intentional contamination of the residential site. See Exhibit 2.
- *HUMAN HEALTH RISK ASSESSMENT BY NAVY:* The Navy Environmental Health Center (NEHC) conducted a human health risk assessment to allow acceptance of the increased health risk of cancer from one in a million (10E-06) to one in one hundred thousand (10E-05) and in some cases one in ten thousand (10E-04). The risk assessment ignored the concerns raised by the State of Hawaii Department of Health. **And more importantly does NOT address the disproportionate risk to infants and children.** See Exhibit 3.
- *DISPROPORTIONATE RISK TO INFANTS AND CHILDREN IGNORED:* Allowing the acceptance of disproportionate risk of cancer to infants and children is prohibited by Executive Order 13045. A copy is shown in Exhibit 4. The disproportionate risk to infants and children less than 6 yrs of age is NOT addressed by the Navy's Human Health Risk Assessment.

"Therefore, to the extent permitted by law and appropriate, and consistent with the agency's mission, each Federal agency: (a) shall make it a high priority to identify and assess environmental health risks and safety risks that may disproportionately affect children; and (b) shall ensure that its policies, programs, activities, and standards address disproportionate risks to children that result from environmental health risks or safety risks"

The Executive Order defines environmental health risks and safety risks.

"2-203. "Environmental health risks and safety risks" mean risks to health or to safety that are attributable to products or substances that the child is likely to come in contact with or ingest (such as the air we breath, the food we eat, the water we drink or use for recreation, **the soil we live on**, and the products we use or are exposed to)."

- *USEPA GUIDANCE FOR THE HUMAN HEALTH RISK ASSESSMENT IS NOT FOLLOWED:* The Navy's risk assessment and responses to the

of contaminated sediment in the protected waters. A copy of the general condition requirements is provided in Exhibit 9.

- **LEGALLY APPLIED PESTICIDE OVER 30 YEARS AGO:** In previous responses the Navy contends that the pesticide was legally applied over 30 years ago. However, the residential site was disturbed during the demolition and re-grading of the construction site. The legal application of the pesticide has nothing to do with the disturbance of the contamination and the redistribution of the contaminants creating new and significantly different exposures to the new residents. We disagree that the Navy can ignore or handle recklessly the carcinogen once it is disturbed.

*SUMMARY:* The contamination of any residential or other construction project with increased risks of cancer cannot be tolerated. The added disproportional increased risk to children is prohibited by the Executive Order and EPA guidance. The practice of allowing the increased risk ignores the exposure from the consumption of vegetables or fruits as well. The restriction or limitation of information to the residents and their families cannot be accepted. The practice also disregards or ignores the sediment discharge to protected waters that will result in the environmental contamination and pollution of our marine life.